

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Expanding the Economic and Innovation)	Docket No. 12-268
Opportunities of Spectrum Through Incentive)	
Auctions)	

To: Federal Communications Commission
(Filed electronically through ECFS)

COMMENTS OF CP COMMUNICATIONS, LLC
IN SUPPORT OF PETITION FOR RECONSIDERATION

1. CP Communications, LLC (“CP Communications” or “Company”), in response to the Commission’s Public Notice released on October 2, 2014 in the above-captioned proceeding¹ submits these Comments in support of the Petition for Reconsideration of Sennheiser Electronic Corporation (“Sennheiser”) filed on September 15, 2014 (“Sennheiser Petition”). Sennheiser asks the Commission to reconsider its decision not to reserve two separated 6 MHz channels on the TV side of the boundary for wireless microphone use and asks the Commission to require compensation for wireless microphone users who held a Part 74 license prior to the 700 MHz

¹ *Petitions for Reconsideration of Action in Rulemaking Proceeding*, GN Docket No. 12-268, Public Notice, Report No. 3011 (released October 2, 2014). CP Communications of PA, LLC, a commonly owned entity, also filed, in response to the Notice of Proposed Rulemaking in this proceeding, comments on January 25, 2013, reply comments on March 12, 2013, and comments on November 4, 2013.

auctions and who will be displaced as a result of this next spectrum auction.² Both requests are vitally important to preserve the technological progress in the entertainment, sports, and information fields, where wireless audio technology has become the norm, and wired microphones have become virtually a thing of the past.

2. CP Communications is a leading source for the rental of wireless production equipment -- including wireless microphones, wireless in-ear monitors, wireless intercom and wireless cueing -- to the broadcast, theatrical, live event, film, corporate, entertainment and other industries. CP Communications also sets up, manages, and supervises the operation of wireless equipment for its customers. CP Communications owns and operates wireless microphones in the 500 & 600 MHz band and holds licenses for wireless microphones under Part 74 of the FCC's rules. The Company's business is highly specialized, requiring hardware and skills that lead most high-level professional users to contract with outside vendors. Only a handful of companies offer these services, but their services are critical to the activities of their customers.

3. As Sennheiser points out, and as CP Communications has explained in its previous filings, wireless microphones operating in the 500 & 600 MHz band are generally high quality, professional grade equipment used for the creation of information and entertainment content that is a critical part of the content distribution the FCC hopes to facilitate through the wireless revolution. These devices are essential for all kinds of content production, including news gathering, and live entertainment (such as theatrical productions, musical concerts, special events and sports), among other things. Wireless has replaced wired microphones in virtually all professional situations, giving on-camera performers the ability to move about with no audio

² In its Comments submitted on November 4, 2014, CP Communications also supported Sennheiser's proposal for reimbursing wireless microphone users affected by the incentive auctions.

quality degradation and permitting more even and more ubiquitous sound capture than wired equipment can provide.

4. Unlike consumer wireless gear, these types of wireless microphones are not designed or mass-manufactured to be replaced frequently. Indeed, professional grade equipment has a much longer useful life and, due in part to higher costs, both rental vendors and direct users must purchase these devices with a view towards relatively long-term usage.

5. Professional operational requirements necessitate that wireless microphones and similar equipment utilize anywhere from a few to tens of 6MHz channels. In attempting to preserve a minimum level of high quality RF performance, an absolute minimum of two separate 6 MHz channels of clean UHF spectrum must be available on a reserved basis for hypercritical wireless microphones and in-ear monitors.³ The Commission has previously recognized the importance of wireless microphones in public gathering places of all kinds and that many activities would be disabled without adequate clear spectrum for microphones. While the Commission may be able to find new spectrum in the future, it must recognize that nothing else is available now, given factors such as body signal absorption and battery life limitations. Given today's technology, there is no practical alternative for critical uses; so sweeping wireless microphones out of most of the 600 MHz band (as well as the 500 MHz band due to the subsequent post auction television broadcaster re-packing) will unavoidably result in a degradation of audio delivery that public audiences expect to experience.

6. The majority of businesses that actually purchase and own professional wireless microphones, communications and other equipment are sound vendors like CP Communications.

³ While an occasional momentary blip in communication may be acceptable for operational communications by backstage and support personnel, channels for capture of audio for audiences and to feed audio back to performers must operate perfectly at all times.

The overwhelming majority of these sound vendors are companies classified as small businesses under any definition, whether by the Commission or the Small Business Administration. The several hundred thousand dollar expense to replace inventory, when that equipment has many more years of useful life, is a major economic strain for any company, but especially for a small business. CP Communications spent in excess of \$300,000 to migrate out of the 700 MHz and move to the band below 600 MHz when the digital TV transition forced wireless microphone users to relocate out of the 700 MHz band only a few years ago.⁴ Many direct users replaced 700 MHz equipment with devices operating in the 600 MHz band without suspecting that they would be forced into the same predicament, only a few years later.⁵ These companies, most of whom are small businesses complying with Commission rules, are now being forced to move again, incurring additional expense that is a heavy economic burden, with no compensation proposed. Equity and fairness dictate that wireless microphone users be compensated for being forced to bear a double hit and again to vacate a band through no fault of their own.⁶

7. As Sennheiser has explained, the Commission's policies have long allowed for reimbursement of relocation costs incurred by incumbents. Wireless microphone users deserve similar treatment, particularly where professional service providers are small businesses. Additionally, the Commission should reserve two separate 6 MHz channels of UHF spectrum for

⁴ See *Wireless Microphones Are Not Permitted to Operate on Certain Frequencies after June 12, 2010; Users are Urged to Check Their Equipment and Take Necessary Steps to Ensure Compliance*, Public Notice, 25 FCC Rcd 7409 (Enforcement Bur. 2010).

⁵ The Commission recommends that wireless microphone users move below 600 MHz on its website (<http://www.fcc.gov/guides/wireless-microphone-faqs>; paragraph entitled "*How do I make sure I buy the right kind of wireless microphone?*").

⁶ If users are required to migrate to a new band now, so shortly after replacing their equipment, they will be concerned about whether the Commission will do the same thing to them again in a few more years if TV channels are further truncated.

wireless microphone use if the theatrical, sports, and information industries are not to suffer a serious setback in their ability to provide their services to the public.

8. Accordingly, CP Communications urges the Commission to grant the relief requested by Sennheiser by implementing appropriate mechanisms to reimburse wireless microphone users who will be impacted by the television spectrum re-pack and by making adequate UHF spectrum available for their vital activities

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November 12, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle A. McClure", written over a horizontal line.

Peter Tannenwald
Michelle A. McClure

Counsel for CP Communications, LLC

CERTIFICATE OF SERVICE

I, Sandi Kempton, a legal assistant for Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 12th day of November, 2014, I caused a copy of the foregoing "Must Carry Complaint" to be served via hand delivery and email, upon the following:

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